IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 17TH OCTOBER 2006 / 25TH ASWINA 1928

Bail Appl..No. 6083 of 2006

CP.133/2005 of J.M.F.C.,KATTAKADA
CRIME NO.371/2004 OF MALAYINKEEZH POLICE STATION

.....

PETITIONER/ACCUSED

MADHAVA PANICKER,
S/O.KOCHU KUNJU, AGED 65 YEARS,
RESIDING AT VISHNU BHAVAN,
VENNIYOTTUKONAM, NADUKKADU,
PALLICHAL DESOM, PALLICHAL VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENTS: COMPLAINANT

1. STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR AT
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB-INSPECTOR OF POLICE,
MALAYINKEEZH POLICE STATION,
THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6083/2006

DATED THIS THE 17TH DAY OF OCTOBER, 2006

O R D E R

The petitioner is the seventh accused, in crime No.371/2004 of Malayinkeezh Police Station, for the offence punishable under Sections 8(1) & (2) as well as 55(a) & (g) of the Abkari Act. On 25.8.2004, CW21, the Sub Inspector of Police, Malayinkeezh, had registered crime No.371/2004 and completing the investigation final report had filed. The matter is now pending as C.P.No.133/2005 on the file of the Judicial Magistrate of First Class, Kattakkada.

2. The first accused is the son of the petitioner. Accused Nos. 1 to 6 had dug pits and cement tanks in the property of the petitioner, adjacent to his house. At the time of the search by the police party, two white cans containing 35 litres of illicit arrack, the cement tanks and other pits containing wash for the distillation of illicit arrack were found. There were different cement tanks

and water supply facilities with gas cylinders arranged for illicit distillation. 0.5 H.P mono set pump with a foot valve connected to it, was also seen, fitted for the continuous flow of water at the time of distillation. The entire materials were seized. The petitioner could not be arrested. Hence he is before this Court, under Section 438 Cr.P.C.

3. Considering the submissions made by either side and the materials on record, I direct the petitioner to appear before the Judicial Magistrate of First Class, Kattakkada, on 25.10.2006.

4. On appearance of the petitioner, the learned Magistrate shall hear both sides and pass appropriate orders, on merit.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs